

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

MICHAEL ALLEN O'SHEA, #1722057,

*Plaintiff,*

v.

BENNY PARKEY, ET AL.,

*Defendants.*

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Civil Action No. 4:12cv265

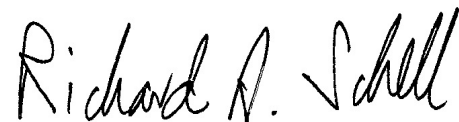
**ORDER ADOPTING REPORT AND RECOMMENDATION**  
**ON DEFENDANT PARKEY'S MOTION TO DISMISS**

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Don D. Bush. The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of Defendant Parkey's Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(6) (docket entry #36), has been presented for consideration, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and adopts same as the findings and conclusions of the Court. It is therefore

**ORDERED** that Defendant Benny Parkey's Motion to Dismiss (docket entry #36) is hereby **GRANTED** to the extent that Plaintiff's original complaint is **DISMISSED**. However, it is further

**ORDERED** that Plaintiff's constructive Motion for Leave to Amend contained in the consolidated response is hereby **GRANTED**. Plaintiff shall file an amended complaint in the above-captioned matter within fourteen days of the date of this Order.

**SIGNED this the 27th day of March, 2014.**



RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE